



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-15408-2025
Reserved on: 11th July, 2025
Pronounced on: 15th July, 2025

Mamta

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Robin Dutt, Advocate for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

MANISHA BATRA, J :-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 04 dated 10.01.2025 registered under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Partap Nagar, District Yamunanagar.

2. The aforementioned FIR has been registered on the basis of a complaint lodged by the Director of Food and Supply Department alleging that the department had supplied 70384.63 quintals of paddy to Rajlakshmi Rice Mills, Partap Nagar. 67% rice weighing 47827.70 quintals was to be delivered to Food Corporation of India (for short, 'FCI'). However, only 43975.62 quintals rice had been delivered to FCI up to 30.09.2024 by the rice miller. On conducting physical verification, it was found that the rice



millers had auctioned remaining paddy through e-tender and one M/s Surbhi Rice Mills had purchased that paddy. Ultimately, shortage of 35034.32 quintals of paddy as given by the complainant was found. Since the owner of the rice mill i.e. the petitioner had misappropriated the paddy stock, therefore, the prayer was made for taking action against her.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Yamunanagar, which was dismissed vide order dated 25.02.2025.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. An agreement had been executed between the petitioner and the food and supplies Controller for invoking arbitration clause in case of any dispute, but instead of that the complainant had lodged this FIR against the petitioner. She has clean antecedents. She petitioner had even issued a legal notice to the department for appointing an arbitrator. The dispute between the parties is purely of civil nature as it pertains to settlement of account, but has wrongly been given a criminal colour. She has already deposited a sum of Rs. 5,00,000/- with the department. The department itself is not paying milling and other charges amounting to Rs. 6737564/- to the petitioner. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Therefore, it is argued that she deserves to be extended benefit of bail.

5. Status report has been filed. It is argued by learned Deputy Advocate General, Haryana that the petitioner is a shrewd person, who is in



a well-planned manner chose to cheat the complainant and usurped 3564.32 quintals of paddy belonging to government authorities by defrauding and cheating them. The said paddy is to be recovered from her. There is likelihood of her selling the same. For conducting thorough and proper investigation in the matter, the custodial interrogation of the petitioner is must. Therefore, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

7. The petitioner who is admittedly sole proprietor of M/s Rajlakshmi Rice Mills and to whose firm 71384.63 quintals of paddy were allotted by the Food and Supplies Department for milling for the *kharif* year 2023-24, was to deliver 47,827.70 quintals of rice after milling the same. However, she committed a default in the same and disbursed much smaller quantity. She is alleged to have misappropriated 3564.32 quintal of paddy thereby causing huge loss to the department. The allegations against her are specific and serious in nature. For the purpose of conducting deeper probe into the matter, custodial interrogation of the petitioner is must. It is well settled proposition of law that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful information can be disinterred during custodial interrogation. It is also a matter of discretion to grant or not to grant pre-arrest bail. Keeping in view the nature of the subject offences and no extra ordinary circumstance is shown to have been made out in this case, I am of the considered opinion that custodial interrogation of the petitioner is required for conducting



thorough investigation in the matter by the police. Accordingly, no ground for extending benefit of pre-arrest bail is made out. Hence, the petition stands dismissed.

8. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th July, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*

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